

BEFORE THE
Federal Communications Commission
 WASHINGTON, D.C.

IN THE MATTER OF:

MM DOCKET No. 98-209

Amendment of 47 C.F.R. §73.202(b)
Table of FM Allotments
 (DeRidder, Louisiana)

RM-9406

RECEIVED

FEB 6 3 1999

To: The Chief, Allocations Branch
 Policy and Rules Division

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

REPLY COMMENTS OF WILLIS BROADCASTING CORPORATION

Comes now **Willis Broadcasting Corporation** ("Petitioner"), and licensee of Radio Station KEAZ (FM), DeRidder, Louisiana, by Counsel, and pursuant to *Section 1.415* of the Commission's Rules, hereby respectfully submits its Reply Comments in support of the *Notice of Proposed Rule Making*, DA 98-2369 (released November 27, 1998) ("*NPRM*") in the above-captioned rule making proceeding to amend the Table of FM Allotments Section 73.202(b) of the Rules, to substitute Channel 250A for Channel 269A at DeRidder, Louisiana, and for the modification of the KEAZ (FM) license accordingly. In support whereof, the following is shown:

Background

1. Petitioner is the new Licensee of Radio Station KEAZ (FM), DeRidder, Louisiana¹. Radio Station KEAZ (FM) is presently authorized to operate on Channel 269A. Petitioner seeks to have the Commission amend the FM Table of Allotments to

¹Petitioner became the Licensee of KEAZ (FM) on September 1, 1998, pursuant to BALH-971212EC.

permit KEAZ (FM), which is currently limited to operations at 3 kilowatts, an upgrade to a full class A facility at 6 kilowatts on Channel 250A.

2. On January 14, 1999, Petitioner timely filed its Comments² in support of the October 28, 1998, Petition for Rule Making.

3. On January 19, 1999, timely filed Comments in support of Petitioner's Rule Making were submitted by Proctor-Williams, Inc., the Licensee of Radio Station KWDX (FM), Silsbee, Texas and by Coochie Brake Broadcasting Company³, Permittee of a FM Construction Permit at Atlanta, Louisiana.

4. Pursuant to *Paragraph 7* of the *NPRM*, Petitioner timely submits these Reply Comments in continued support of its Rule Making request.

Public Interest Consideration

5. As set forth in its Petition for Rule Making and Comments, Petitioner believes the public interest will be served by adopting the proposed channel change amendment, since it will enable KEAZ (FM) the ability to provide DeRidder and the surrounding areas enhanced service coverage as a full class A facility⁴.

²Petitioner's Comments filed January 14, 1999 and Petition for Rule Making filed October 28, 1998 are incorporated herein.

³Coochie Brake Broadcasting Company in its supporting Comments requests a Counterproposal to add to the present proceeding the modified FM allotments at North Fort Polk, LA and Atlanta, LA. Petitioner appreciates the Comments in support of its modification of KEAZ (FM), however, Petitioner does not Comment as to the viability of the additional Rule Making as proposed. Petitioner simply supports whatever proposal will most expediently implement its Rule Making proposal *goal* of changing its Channel from 269A to 250A.

⁴Coverage area for KEAZ (FM) will increase by approximately 838 square kilometers and over 7,000 people would receive upgraded service. See *NPRM* at Par. 2.

6. As previously noted by Petitioner and as noted in the Comments of Proctor-Williams, Inc., at *Paragraph 2* therein, this channel change to 250A by Petitioner will eliminate the KWDX (FM), Silsbee, Texas, short-spacing with KEAZ (FM).

7. Improved service at DeRidder will promote the Commission's goal of enhancing diversity of thought and opinion in the broadcast media, as well as Congress' charge to the Commission to ensure a "fair, efficient and equitable distribution of radio services in the United States"⁵. Furthermore, under Commission policies, the proposed substitution will constitute a preferential arrangement of allotments, and encourage the maximization of broadcast facilities. *See generally, Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989) ("Change of Community R&O"), (*recon. granted in part*, 5 FCC Rcd 7094 (1990)) and *Modification of FM and TV Stations Licenses*, 49 FR 34007 (August 28, 1984, at ¶13).

Statement of Continuing Interest

8. Petitioner hereby reiterates its intention that, should the Commission grant Petitioner's request and ultimately adopt the proposed amendments to the FM Table of Allotments set forth in the *NPRM*, Petitioner will promptly file an application to improve the facilities of KEAZ (FM) to specify operation on Channel 250A at DeRidder, Louisiana. Upon grant of such application, Petitioner will promptly construct the facilities authorized therein.

⁵47 U.S.C. §307(b)

Conclusion

WHEREFORE, the above premises considered, Petitioner respectfully urges that the Commission GRANT its Petition for Rule Making, and AMEND Section 73.202(b) of the Rules, FM Table of Allotments, as follows:

| <i>Community</i> | <i>Present</i> | <i>Proposed</i> |
|-------------------------|-----------------------|------------------------|
| DeRidder, Louisiana | 221C3, 269A | 221C3, 250A |

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Respectfully submitted,

WILLIS BROADCASTING CORPORATION

By: 

John C. Trent

Its Attorney
February 3, 1999

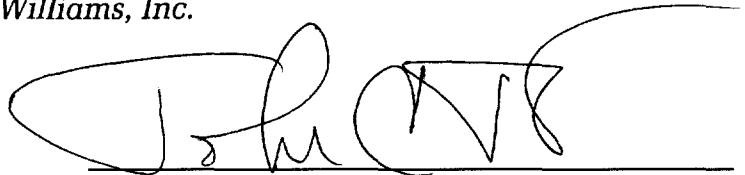
Certificate of Service

I, John C. Trent, member of the law firm *Putbrese Hunsaker & Trent, P.C.*, do hereby certify that I have, on February 3, 1999, sent by first class U.S. Mail, postage prepaid, the forgoing "*Reply Comments*" of Willis Broadcasting Corporation to the following:

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A handwritten signature in black ink, appearing to read "John C. Trent", written over a horizontal line.

John C. Trent, Esquire